

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

SHAWN OTTE,

Plaintiff,

v.

RANDOLPH COUNTY,

Defendant.

No. 2:22-CV-66 CDP

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff Shawn Otte commenced this civil action by filing a letter alleging that his arrest was unconstitutional and complaining about his conditions of confinement at Randolph County Jail. *See* ECF No. 1. On September 19, 2022, the Court ordered Plaintiff to file an amended complaint on a court-provided form, and to either pay the filing fee or file a motion for leave to proceed *in forma pauperis*. *See* ECF No. 3. The Court cautioned Plaintiff that his failure to timely comply with the Order would result in the dismissal of his case without further notice. *Id.* at 2. Plaintiff's response was due by October 19, 2022.

To date, Plaintiff has neither responded to the Court's Order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Plaintiff's failure to comply with the Court's September 19, 2022 Order, and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss sua sponte for lack of prosecution is inherent power governed "by the control necessarily

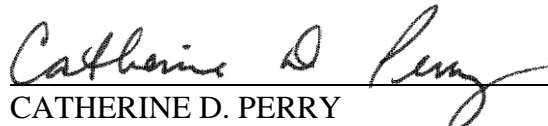
vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases”); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 4th day of November, 2022.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE